REMARKS/ARGUMENTS

The Pending Claims

Claims 1 and 3-13 are pending.

Claims 1, 4, 10, 11, and 12 are amended to recite that the antibody "binds to at least one antigen selected from the group consisting of RSV, IL-2 receptor, CEA, platelet IIb/IIIa receptor, EGF, HER-2 receptor, CD56, EGFR, CD33, CD22, and OBA1 antigens." Support for this amendment can be found throughout the specification, notably in Table 1 on page 38 and in Figure 11.

Claim 2 was previously cancelled, and claims 14-25 are cancelled herein, as drawn to an invention that was not elected by Applicants in response to the restriction requirement set out in the Office Action dated December 28, 2007.

No new matter is added by these amendments.

Information Disclosure Statement

References NE through NH, which were indicated to be missing from the submission accompanying the Information Disclosure Statement filed February 26, 2010, are resubmitted herewith.

35 U.S.C. § 112, First Paragraph

A. Written Description

Claims 1 and 3-13 stand rejected as lacking adequate written description. The Office admits that the present specification adequately describes "monoclonal antibodies that bind to RSV, IL-2 receptor, CEA, platelet IIb/IIIa receptor, EGF or HER-2 receptor, CD56, EGFR, CD33, CD22, or OBA1 antigen covalently linked to toxin via O-glycosylation through a spacer such as polyethylene glycol, polylysine, or dendrimer PAMAM sugar for targeting toxin to the specific tissue" (Office Action, page 4-5). The Office alleges that the specification does not provide the binding specificity "associated with the complete structure of any and all antibody [sic] for the claimed compound" (Office Action, page 5). Despite Applicants' extensive arguments to the contrary as well as a Rule 132 declaration by inventor

Shawn DeFrees filed February 26, 2010, the Office maintains that "binding specificity of the antibody in the claimed compound is critical to convey to one of ordinary skill in the art to show applicants were in possession of the genus of the claimed compound." (Office Action, page 7). The Office states that "only the compounds comprising such antibodies that bind to such receptors mentioned above meet the written description requirement."

Although Applicants disagree with the Office's assertion that binding specificity for each and every possible antibody would be required in order to convey possession of an antibody-toxin conjugate according to claim 1, in the interest of advancing prosecution, Applicants herein amend claims 1, 4, 10, 11, and 12 to recite the listing of antibodies as provided at Table 1 and Figure 11 of the specification. Accordingly, Applicants respectfully submit that the written description rejection has been rendered moot and should be withdrawn.

B. Enablement

Claims 1 and 3-13 stand rejected as lacking enablement. The Office acknowledges enablement of "monoclonal antibodies that bind to RSV, IL-2 receptor, CEA, platelet IIb/IIIa receptor, EGF or HER-2 receptor, CD56, EGFR, CD33, CD22, or OBA1 antigen covalently linked to toxin via O-glycosylation through a spacer such as polyethylene glycol, polylysine, or dendrimer PAMAM sugar for targeting toxin to the specific tissue" (Office Action, page 7). However, the Office alleges that claims 1 and 3-13 lack enablement because the claims do not provide "guidance as to the binding specificity of such antibody in the claimed compound" (Office Action, page 8).

As above, Applicants disagree with the Office's assertion that binding specificity for each and every possible antibody would be required in order to enable an antibody-toxin conjugate according to claim 1. Nevertheless, in the interest of advancing prosecution, Applicants herein amend claims 1, 4, 10, 11, and 12 to recite the listing of antibodies as provided at Table 1 and Figure 11 of the specification. Accordingly, Applicants respectfully submit that the enablement rejection has been rendered moot and should be withdrawn.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

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